IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3995 OF 2004

Deepak Dattatray Thombre ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri A.P.Mundargi i/by Indrajeet Joshi for Applicant.
Shri D. R. More, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 25.10.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

. The prosecution case is that the Applicant has committed offence punishable under sections 498 (A), 306, 304 (B), 323, 325 and 504 of IPC. The prosecution case is that the deceased died due to the poisoning. The doctor has recorded his opinion as can be seen from the communication dated 18th August, 2004, which reads thus :-

> Respiratory failure due to pulmonary oedema secondary to unknown poisoning.

. However, the chemical analyser report clearly mentions no trace of poison is found from the examination of viscera. In other words, there is discrepancy in the medical evidence. Viewed in this perspective, the applicant deserves to be enlarged on bail on certain conditions as under :-

The Applicant is enlarged on bail in connection with C.R.No. 29/2004, registered with Bhuinj Police Station, Dist. Satara on executing personal bond in the sum of Rs. 50,000/- (Rs. Fifty thousand only) with one or two local sureties in the like amount.

The Applicant shall regularly attend every day before the trial court and shall co-operate for early disposal of the trial. If the trial court is of the opinion that the applicant is responsible for delay in the trial, that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

The applicant shall not influence the

prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

The applicant shall not enter the jurisdiction of Pandhoni / Bhuinj Police Station during the pendency of the trial except for attending the trial and shall also make no attempt to contact his son, who is stated to be minor and the possibility of influencing that witness can not be ruled out.

. Order accordingly.

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